



DOCKET NO.: P04756  
CLIENT NO.: NATI15-04756  
Customer No. 23990

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : PETER J. SALLAWAY, ET AL.  
Serial No. : 09/751,037  
Filed : December 29, 2000  
For : SYSTEMS FOR MONITORING AND CONTROLLING  
OPERATING MODES IN AN ETHERNET TRANSCEIVER AND  
METHODS OF OPERATING THE SAME  
Group No. : 2661  
Examiner : Ian N. Moore

**MAIL STOP AF**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE OF MAILING BY FIRST CLASS MAIL**

The undersigned hereby certifies that the following documents:

1. Postcard receipt;
2. Notice of Appeal;
3. Check in the amount of \$500.00 (for the Notice of Appeal filing fee); and
4. Fee Transmittal for FY 2005 (in duplicate)

relating to the above application, were deposited as "First Class Mail" with the United States Postal Service, addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 28, 2005.

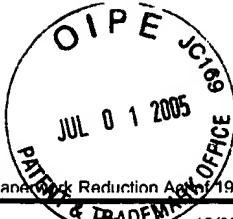
Date: June 28, 2005

Kathy Hamilton  
Mailer

Date: June 28, 2005

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William A. Munck  
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Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL

## For FY 2005

 Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$ 500.00)

**Complete if Known**

|                      |                       |
|----------------------|-----------------------|
| Application Number   | 09/751,037            |
| Filing Date          | December 29, 2000     |
| First Named Inventor | Peter J. Sallaway     |
| Examiner Name        | Ian N. Moore          |
| Art Unit             | 2661                  |
| Attorney Docket No.  | P04756 (NATI15-04756) |

**METHOD OF PAYMENT** (check all that apply)

 Check  Credit Card  Money Order  None  Other (please identify): \_\_\_\_\_

 Deposit Account Deposit Account Number: 50-0208 Deposit Account Name: Davis Munck, P.C.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

 Charge fee(s) indicated below  Charge fee(s) indicated below, except for the filing fee

 Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17  Credit any overpayments

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**FEE CALCULATION**
**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

| <u>Application Type</u> | <u>FILING FEES</u> |                     | <u>SEARCH FEES</u> |                     | <u>EXAMINATION FEES</u> |                     | <u>Fees Paid (\$)</u> |
|-------------------------|--------------------|---------------------|--------------------|---------------------|-------------------------|---------------------|-----------------------|
|                         | <u>Fee (\$)</u>    | <u>Small Entity</u> | <u>Fee (\$)</u>    | <u>Small Entity</u> | <u>Fee (\$)</u>         | <u>Small Entity</u> |                       |
| Utility                 | 300                | 150                 | 500                | 250                 | 200                     | 100                 | _____                 |
| Design                  | 200                | 100                 | 100                | 50                  | 130                     | 65                  | _____                 |
| Plant                   | 200                | 100                 | 300                | 150                 | 160                     | 80                  | _____                 |
| Reissue                 | 300                | 150                 | 500                | 250                 | 600                     | 300                 | _____                 |
| Provisional             | 200                | 100                 | 0                  | 0                   | 0                       | 0                   | _____                 |

**2. EXCESS CLAIM FEES**
**Fee Description**

Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent

|                 |                     |
|-----------------|---------------------|
| <u>Fee (\$)</u> | <u>Small Entity</u> |
| 50              | 25                  |

Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent

|     |     |
|-----|-----|
| 200 | 100 |
|-----|-----|

Multiple dependent claims

|     |     |
|-----|-----|
| 360 | 180 |
|-----|-----|

| <u>Total Claims</u> | <u>Extra Claims</u> | <u>Fee (\$)</u>       | <u>Fee Paid (\$)</u> |
|---------------------|---------------------|-----------------------|----------------------|
| _____               | - 20 or HP = _____  | _____ x _____ = _____ | _____                |

| <u>Indep. Claims</u> | <u>Extra Claims</u> | <u>Fee (\$)</u>       | <u>Fee Paid (\$)</u> |
|----------------------|---------------------|-----------------------|----------------------|
| _____                | - 3 or HP = _____   | _____ x _____ = _____ | _____                |

HP = highest number of total claims paid for, if greater than 20

HP = highest number of independent claims paid for, if greater than 3

**Multiple Dependent Claims**

|                 |                      |
|-----------------|----------------------|
| <u>Fee (\$)</u> | <u>Fee Paid (\$)</u> |
|-----------------|----------------------|

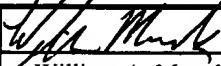
| <u>Total Sheets</u> | <u>Extra Sheets</u> | <u>Number of each additional 50 or fraction thereof</u>   | <u>Fee (\$)</u> | <u>Fee Paid (\$)</u> |
|---------------------|---------------------|---|-----------------|----------------------|
| _____               | - 100 = _____       | / 50 = _____ (round up to a whole number) x _____ = _____ | _____           | _____                |

|                       |
|-----------------------|
| <u>Fees Paid (\$)</u> |
|-----------------------|

|   |
|---|
| <b>4. OTHER FEE(S)</b>  |
| Non-English Specification, \$130 fee (no small entity discount) |
| Other: Notice of Appeal Fee                                     |

|          |
|----------|
| \$500.00 |
|----------|

**SUBMITTED BY**

|                   |   |                                      |               |           |              |
|-------------------|---|--------------------------------------|---------------|-----------|--------------|
| Signature         |  | Registration No.<br>(Attorney/Agent) | 39,308        | Telephone | 972-628-3600 |
| Name (Print/Type) | William A. Munck  | Date                                 | June 28, 2005 |           |              |

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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*AF*  
*ZM/S*

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Sir:

**NOTICE OF APPEAL**

The Applicants hereby appeal to the Board of Appeals from the decision of the Examiner in the Final Office Action dated March 28, 2005 (Advisory Action dated 06/14/2005), finally rejecting Claims 1-38.

A check in the amount of \$500.00 is enclosed in payment of the Notice of Appeal filing fee. The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Davis Munck Deposit Account No. 50-0208.

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DOCKET NO. P04756 (NATI15-04756)  
U.S. SERIAL NO. 09/751,037  
PATENT

Respectfully submitted,

DAVIS MUNCK, P.C.



William A. Munck

Registration No. 39,308

Date: June 28, 2005

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